

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Rec'd PTO

08 APR 2005

REC'D 05 NOV 2004

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Applicant's or agent's file reference 11135P3 WORH	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/04419	International filing date (day/month/year) 10.10.2003	Priority date (day/month/year) 12.10.2002
International Patent Classification (IPC) or both national classification and IPC C11D10/04, C11D3/43, C11D3/20, C11D3/48		
Applicant RECKITT BENCKISER INC		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 6 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 26.03.2004	Date of completion of this report 08.11.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Neys, P Telephone No. +31 70 340-4183 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/04419**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-24 as originally filed

Claims, Numbers

1-30 filed with telefax on 08.04.2004

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. The amendments have resulted in the cancellation of:
- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)

Yes: Claims 9,11
No: Claims 1-8,10,12-30

Inventive step (IS)

Yes: Claims
No: Claims 1-30

Industrial applicability (IA)

Yes: Claims 1-30
No: Claims

2. Citations and explanations

see separate sheet-

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Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US-A-4668419

D2: US-A-4589994

D3: GB-A-1458166

D4: EP-A-0478086

D5: US-A-5417875

1. The subject-matter of claims 1 and 27 is defined by reference to a desired characteristic, namely upon dilution with water of 1 part of the concentrate with 50-200 parts water at 20 °C, the resultant mixture should exhibit a light transmittance loss of at least 30%. This makes these claims unclear (Article 6 PCT). Moreover, this characteristic seems directly related to the composition of the concentrate. Therefore, cleaning concentrates of which the composition coincides with that described in claims 1 and 27 will be considered as novelty destroying for these claims.

2. D1 (claims; examples; column 2, line 7 - column 3, line 46) discloses a liquid aqueous concentrate comprising soap, an amine oxide nonionic surfactant, an alkylphenol ethoxylate nonionic surfactant, pine oil, a lower alkanol (e.g. isopropanol, ethanol) and a phenolic antifungal agent.

D2 (claims; examples; column 1, line 60 - column 3, line 51) discloses a liquid aqueous concentrate comprising soap, anionic sulfate and sulfonate surfactants, amine oxide nonionic surfactant, pine oil, a lower alkanol (e.g. isopropanol, ethanol) and a phenolic antifungal agent.

D3 (claims; examples; page 2, lines 6-44; page 3, lines 12-19; page 3, line 54 - page 4, line 24) discloses an aqueous antiseptic composition comprising a diacid soap, a sulfate or sulfonate anionic surfactant, an alcohol solubilizer, triethanolamine and a non-cationic antimicrobial agent (e.g. para-chloro-m-xyleneol, 2,4,4-trichloro-2-hydroxy-diphenyl ether).

D4 (claims; examples; page 5, lines 39-50; page 7, lines 5-36) discloses a micro-

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emulsion disinfecting all purpose cleaning composition comprising a soap, which may be made in situ, anionic and or nonionic surfactants, tertiary-butanol, C₉₋₁₃ isoparaffin, perfume terpenes and hypochlorite as disinfecting agent.

D5 (claims 1-8; examples 3 and 4; column 3, line 63 - column 4, line 21) discloses a detergent composition comprising a soap, an N-acylamino acid anionic surfactant, a germicide (triclosan, trichlorocarbanilide, isopropylmethylphenol or chlorhexidine hydrochloride) and ethanol.

The subject-matter of claim 1 and its dependent claims 2-8, 10, 12-28 is considered to lack novelty over at least one of the documents D1-D5 (Article 33(2) PCT).

3. The compositions of D4 are used for cleaning and disinfecting hard surfaces. Therefore, the subject-matter of claim 30 is regarded not novel in view of D4.

4. The compositions of D1 (column 2, lines 29-40) and D2 (column 2, lines 5-16) comprise a terpene oil, which can be selected from a list of suitable oils. Therefore, the subject-matter of claims 9 and 11, which disclose compositions comprising a mixture of essential oils as solvent, are considered to lack an inventive step over D1 and D2 (Article 33(3) PCT).

5. Claim 29 is drafted in a way which is not allowable under Rule 6.2(a) PCT, since its subject-matter is defined only by way of referring to the description.